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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

MAURICIO AGUILAR,

Defendant and Appellant.

B221342

(Los Angeles County
Super. Ct. No. BA329010)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Clifford L. Klein, Judge. Affirmed.

Ann Krausz, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Mauricio Aguilar appeals from the judgment entered following his no contest plea to transportation of a controlled substance. (Health & Saf. Code, § 11352, subd. (a).) Appellant challenges the denial of a motion to suppress evidence under Penal Code section 1538.5; therefore, his appeal is exempt from the requirement of a certificate of probable cause. (See Pen. Code, § 1237.5; *People v. Brown* (2010) 181 Cal.App.4th 356, 360.)

The evidence at the preliminary hearing and the suppression hearing established that on September 12, 2007, Los Angeles Police Officer Brian Cooney was in an unmarked police car, working on narcotics enforcement around 17th Street and Compton Boulevard in Los Angeles County. Around 3:30 p.m., Cooney saw appellant make a turn without using his turn signal and saw smoke coming from the exhaust pipe of appellant's car, in violation of Vehicle Code section 27153. Cooney followed appellant's car and called for a marked police car to make a traffic stop.

Los Angeles Police Officer George Lopez received the call and initiated a traffic stop. Lopez asked appellant for his driver's license, but appellant stated that he did not have one. When Lopez learned that appellant did not have a license, he asked appellant to get out of his car. Several other detectives and undercover officers arrived and spoke with appellant. Appellant consented to a search of his car, telling the officers that he did not have anything illegal in the car.

Officer Urbina found a baggie containing cocaine in appellant's car. Lopez testified that he would have arrested appellant for driving without a license (Veh. Code, § 12500) and conducted an inventory search even if narcotics had not been found in appellant's car.

Appellant filed a motion to suppress evidence pursuant to Penal Code section 1538.5. Following a suppression hearing, the trial court acknowledged some concerns regarding the search, but found that appellant consented to the search and so denied the motion.

Appellant agreed to plead no contest to count two of the information in No. BA329010, as well as to a transportation count in a separate case, No. BA 356860, in exchange for a sentence of four years. Appellant was informed of his rights, indicated his understanding of his rights, and agreed to waive them. The parties stipulated to a factual basis for the plea based on the police reports and preliminary hearing transcripts. The trial court accepted the pleas and found appellant guilty as to both counts. The court gave appellant 205 days of custody credit and 102 days of good time/work time credit, for a total of 307 days, and sentenced appellant pursuant to the plea agreement to two four-year sentences, to be served concurrently. Appellant filed a notice of appeal based on the denial of the motion to suppress evidence.

After review of the record, appellant's court-appointed counsel filed an opening brief requesting this court to independently review the record pursuant to the holding of *People v. Wende* (1979) 25 Cal.3d 436, 441.

On June 2, 2010, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider. No response has been received to date.

“‘The standard of appellate review of a trial court's ruling on a motion to suppress is well established. We defer to the trial court's factual findings, express or implied, where supported by substantial evidence. In determining whether, on the facts so found, the search or seizure was reasonable under the Fourth Amendment, we exercise our independent judgment.’ [Citation.]” (*People v. Hirata* (2009) 175 Cal.App.4th 1499, 1504.) Based on the evidence presented, we hold that the trial court did not err in denying appellant's motion to suppress.

We have examined the entire record and are satisfied that no arguable issues exist, and that appellant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.)

DISPOSITION

The judgment is affirmed.

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EPSTEIN, P.J.

We concur:

WILLHITE, J.

MANELLA, J.